

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

BIOFER S.P.A.,

Plaintiff,

v.

VIFOR (INTERNATIONAL) AG,

Defendant.

Civil Action No. 1:22-CV-02180-AMD-SJB

AMENDED SCHEDULING ORDER

WHEREAS, Plaintiff Biofer S.p.A. (“Plaintiff” or “Biofer”) and Defendant Vifor (International) AG., (“Defendant” or “Vifor”) have met and conferred regarding Vifor’s Request for a Pre-Motion Conference seeking leave to file a motion to dismiss (ECF No. 92) and Vifor’s Request for a Pre-Motion Conference seeking leave to amend its Defenses and Counterclaims (ECF No. 96), and submitted a status update pursuant to the Court’s November 8, 2023 Order;

WHEREAS, Biofer and Vifor have reached an agreement which resolves ECF No. 92 and ECF No. 96, and request an approximate two (2) month extension of the schedule to accommodate the parties’ agreement as well as the upcoming holidays, as detailed herein;

WHEREAS, pursuant to the parties’ agreement Vifor withdraws its September 29, 2023 request seeking leave to file a motion to dismiss certain claims of Biofer’s First Amended Complaint (ECF No. 92) and its October 18, 2023 request seeking leave to amend its Defenses and Counterclaims (ECF No. 96);

WHEREAS, Vifor will file its Answer and Counterclaims to Biofer’s First Amended Complaint in an agreed-upon revised form on or before November 29, 2023;

WHEREAS, Biofer will forgo filing a Rule 12(b)(6) motion to dismiss Vifor's Amended Answer and Counterclaims and will file its Response to Vifor's Counterclaims by December 13, 2023;

NOW THEREFORE, the parties jointly request the following extension of the case schedule:

Deadline	Current Deadline (ECF No. 84, ordered August 23, 2023)	Amended Deadline
Final Infringement Contentions	December 15, 2023	February 23, 2024
Final Invalidity Contentions	December 15, 2023	February 23, 2024
Completion of Fact Discovery	December 29, 2023	March 8, 2024
Opening Expert Reports	February 19, 2024	April 26, 2024
Responsive Expert Reports	March 20, 2024	May 31, 2024
Reply Expert Reports	April 17, 2024	June 28, 2024
Completion of Expert Discovery	June 10, 2024	August 23, 2024
Final date to take first step in dispositive motion practice	July 8, 2024	September 20, 2024

DONE AND ORDERED on this 29 day of November, 2023

s/Ann M. Donnelly

Honorable Ann M. Donnelly
UNITED STATES DISTRICT JUDGE